

**Idaho Heating, Ventilation, and Air Conditioning
Board Meeting
Tuesday – October 25, 2005 – 9:00 A.M.
Red Lion Hotel
Meeting Room – Port #3
621 21st Street, Lewiston, ID**

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

The Idaho Heating, Ventilation, and Air Conditioning Board meeting was called to order by Chairman Pat Minegar at 9:00 a.m. on Tuesday, October 25, 2005, at the Red Lion Hotel, Meeting Room – Port #3, 621 21st Street, Lewiston, Idaho. Those attending were:

Board members present:

Mr. Pat Minegar, Chairman
Ms. Carol Alexander
Mr. Jim Bledsoe
Mr. Mike Wisdom
Mr. Steve Brown

DBS Staff Members:

Mr. John McAllister, Acting Administrator
Mr. Steve Keys, Buildings Bureau Chief
Ms. Kay Christensen, Office of the Attorney General
Mr. Ted Hogander, HVAC Bureau Chief
Mr. Russ Owen, HVAC Program Supervisor
Lorraine Mallett, Administrative Assistant/Recording Secretary.

Visitors:

Nick Nap, City of Lewiston
Rick Evans, All Seasons Propane/Rocky Mtn LP Assoc.
Kraig Seevenson, ICC
Tena Risley, Northwest HVAC/R
Bob Corbell, HVAC Assoc
Kayala Jacobsen, IBOL
Rod Stokes, ICP Propane
Kevin Keller, ID LPG Board
Gary Smith, NWHPBA
Ken Doughty, Kens Heating & Air
Rick DiSarno, Hobson Fabricating
Justin Goodwin, City of Moscow
Mike Hofer, Inland Metals

Ryan Gallagher, Sears
Rod Clay, SWIDJATC
Marty Morephy, Johnstone Supply
John Hendrickson, Ferghson
Bruce Graham, Quality Heating
Gary Van Hees, ID LPG Board
G.J. Scharnhorst, Lewiston School Dist.
Larry Forsmann, Lewiston School Dist.
Jerry Peterson, ID Building Trades
Chris Compton, NIC
Angie Bailey, Gropp, LLC
AJ Kasper, West Tech Ind.
Shane Wesseis, Inland Metals

Chairman Minegar introduced John McAllister, Acting Administer for the Division of Building Safety and Lorraine Mallett new Administrative Assistant to the HVAC board to record the minutes.

MINUTES

MOTION: Chairman Pat Minegar asked for a motion to approve the July 12, 2005, minutes of the Heating, Ventilation, and Air Conditioning (HVAC) Board Meeting. Mr. Jim Bledsoe made a motion to approve the minutes as presented. Mr. Mike Wisdom seconded. All were in favor, motion passed.

MOTION: Mr. Mike Wisdom made a motion to approve the August 17, 2005 minutes of the Heating, Ventilation, and Air Conditioning (HVAC) Board Meeting as presented. Mr. Jim Bledsoe seconded. All were in favor, motion passed.

Petition Licensing Deadline

Chairman Pat Minegar introduced Gerry(G.J.) Scharnhorst and Larry Forsmann, Lewiston School District, they wanted to speak to the board on the grandfathering HVAC licensing deadline and would like to petition the board to have an exception and be allowed to be grandfathered in at this time. The claim stated was they were not notified on the deadline for the grandfathering HVAC licensing. The following discussion included the gentlemen's experience and years worked in the HVAC field, the concerns of the communication of the HVAC deadline that was sent out around the state and if these gentlemen were exempt from the licensing, working for the School District. Board would look at Mr. Scharnhorst and Mr. Forsmann's qualifications closely, but consensus of board was that the board can only follow the law and the grandfathering deadline was extended from January 1, 2005 to April 1, 2005 and that at this time qualifiers for a HVAC license will have to test. Passing rate of the test is quite successful.

FLAT RATE FEE SCHEDULE

Chairman Minegar acknowledged Ted Hogander to address the flat rate fee schedule on page 12 of the board packet. Discussion of the flat rate fee schedule included a base fee of \$50.00 and would be increased by designated square feet of the building on new structures and other residential installations would have the \$50.00 base fee and other costs set. This is a concept that would bring a commonality with Electrical, Plumbing and HVAC permit fees with the acceptance of square footage as a factor for setting the permit fees. Concern that was brought up was the information that could be lost going from the current permit fee structure to the flat rate fee, and does the state require stickers being put on the equipment by installers? It was not required by the state to have installers put on stickers, but this could be looked into.

MOTION: Ms. Carol Alexander made a motion that the Heating, Ventilation, and Air Conditioning (HVAC) Board approve the proposed concept for HVAC flat rate fees. The motion was seconded. All were in favor, motion passed.

CONTRACTOR/JOURNEYMAN LICENSES

Chairman Minegar acknowledged Jim Bledsoe to talk about the contractor/journeyman licenses. It was brought to his attention that there are some problems with the contractor license and the journeyman licenses. That the gentleman owning the business if not a journeyman HVAC licensee that the owner does not have a "Certificate of Competency" for the company. That allowing owners of business "Certificate of Competency" and owner, if not journeyman HVAC licensee, would not be allowed to work. Wanted to bring this issue up so the industry can give input on how would want to address this in the future. Certificate of Competency contractor license could not be passed on when company sold, new owner would need to test for own certificate. Discussion followed about technical/business qualifiers and that this would be best addressed by a change in the law not in the rules.

LIQUID PETROLEUM (PROPANE) MEMORANDUM OF UNDERSTANDING

Chairman Minegar acknowledged Kay Christensen, Deputy Attorney General, to address the Liquid Petroleum (Propane) Memorandum of Understanding (LP MOU)(attachment A) that was handed out prior to the meeting. The LP MOU proposes an agreement between the HVAC board and the LPG Board who does what, such as, at what point the inspection program by the HVAC board would begin and what point the license issued by the LPG Board would leave off.

Discussion that followed brought up the concern that the MOU that HVAC has with the Plumbing and Electrical bureaus could have some overriding jurisdictions and that the LP MOU could leave some gaps in inspections or licensing. Also liability can't be contracted away obligations need to be fixed with proper legislation such as describing what license is good for what, having statute changed. Difficulty with a MOU is that won't protect from being sued if something goes wrong. Concerns of if the gas company would be self regulating and self inspecting with this LP MOU were discussed. Regulation definition of who's running the line would be beneficial and more black and white on who puts it in and takes responsibility of that portion of the line. And also what options does a home owner have if this LP MOU went into effect? Discussion also brought up that code safety issues, having another set of eyes looking over the tank to deliver point should be required. Other input was that HVAC inspectors need to be trained and brought up to date to meet the requirements to inspect these lines correctly. Board concern was that more details were not worked out more definitively for a clearer picture of MOU instead of the unclear outline at this time. NFPA 58 was referenced as the code pertaining to this issue. As a code issue, if side stepping a code, would have to eliminate certain sections of code portions if went this way.

MOTION: Jim Bledsoe made motion to accept this Memorandum of Understanding go forward with the LPG people. Mike Wisdom seconded motion. All opposed, MOTION FAILED.

Discussion that followed brought up concerns with the language in the LP MOU that parts do not follow the language in the HVAC rules such as licensees instead of certified. Some of the language is already defined and in the codes, redundant in the MOU. Discussion also brought up that there may be some problem with the Plumbing industry with signing this MOU, with HVAC already in an MOU with that Bureau – could conflict with that agreement. Consensus was more collaboration needed to satisfy all concerns before putting signatures on this MOU.

MOTION: Carol Alexander made motion that the HVAC board petition the LPG board and Plumbing Board to work on a mutual MOU as for jurisdiction. Jim Bledsoe seconded motion. Motion passed with one opposed voted.

HVAC board will take lead in collaborated effort between the LPG and Plumbing Boards.

ACTION: Kay Christensen and LPG attorney to work on draft of MOU and send out drafts to all HVAC and Plumbing Board Members.

EDUCATION REPORTS

Chairman Minegar acknowledged Steve Keys to address the Education Report. Mr. Keys directed the board to the education handouts submitted by Chris Miller provided at beginning of the board meeting. Boise State University's Full time Refrigeration, Heating and Air Conditioning program would like the board to consider granting BSU participants that go through this program credit for all four years of their schooling and 1 year of hands on, in the field, experience. This program has been on going for some years.

MOTION: Mike Wisdom moved that the board approve the past curriculum graduates previously approved by PTE. No second for discussion. Motion died for lack of second.

Lots of questions from Legislators and other concerned public, that HVAC needs to move forward with these concerns to set clearer guidelines to follow for education and schooling issues.

MOTION: Mike Wisdom moved to approve the current BSU course submitted to the HVAC board. Motion was seconded.

Discussion of motion, Steve Keys brought to attention that this program is basically approved. The question being put before the HVAC board for consideration, can this program be submitted for 1 year on the job experience in addition to the four (4) years educational requirement. Mr. Hogander made the comment that this determination has been done with another program at this time. Equivalent or greater number of hours in that first year, that would allow 4 years of education and 1 year on the job experience. Chairman Minegar asked if Board members were clear on motion and asked for vote. All in favor, Motion carried.

Jerry Peterson, ID Building Trades was given floor and addressed that submitting curriculum for an HVAC training/education program, what criteria needs and how to get approved. Steve Keys offered to sit down with Jerry Peterson and Burton Waite to go through their program and look at it and see if it can't get resolved and bring it back to the board.

ACTION: Steve Keys to get with Jerry Peterson and Burton Waite go through their program and bring it back to the board.

More discussion brought up the concern on what to do with apprentices that have more than the first year of experience; what classes to put them in since there is only the 1st year available.

Policy at this time to accommodate (in the HVAC initial start up position) the apprentices requirements with taking the 1st year (only one available at this time) to fill the education needs.

MOTION: Mike Wisdom moved that once PTE has signed off then the Board has approved them for prior years. Steve Brown seconded motion. All in favor, motion passed.

CIVIL PENALTIES

Chairman Minegar acknowledged Kay Christensen to address the next issue on civil penalties directing the board to page 13 in the packet to the Electrical and Plumbing Boards copies of their civil penalties. Discussion on the differences of the two different bureau's civil penalties followed. Violations are given out by inspectors in the field, civil penalty is dealt with by the Division, appeals come before the board and most of the work comes down to collecting the fees. Consensus of Board was that if there is a rule, there should be civil penalties to back it up. Desire of the Board is to have Kay write up draft of civil penalties for HVAC based on the civil penalties used by the Electrical Board.

MOTION: Jim Bledsoe made motion that Kay Christensen to write that up following the guidelines of the Electrical Bureau. Mike Wisdom seconded the motion. All in favor, motion passed.

ACTION: Kay Christensen to bring HVAC Civil Penalty Draft to next meeting.

FINANCE REPORT

Chairman Minegar acknowledged Steve Keys to address the Financial Report on page 21 of the board packet. Bureau is making good financial progress but still not covering all operating costs yet.

OTHER BUSINESS

Chairman Minegar acknowledged Jim Bledsoe who had a letter from a contractor in Eastern Idaho that had Spanish speaking workers and was asking how to handle getting these workers in the apprentice program? Discussion was that other trades and industries don't go out of their way to accommodate the language requirements it is up to the worker to get the skills needed to work in the trade or industry.

Jim Bledsoe also had another issue; a Contractor in Idaho Falls has a son that works for him in the business signed him up in the HVAC apprentice program so he could still work for him. His son is also a High School student and so has a conflict with the schooling for the apprentice and the high school classes. Consensus was that there are always going to be cases that rules won't cover – this case it is up to the parent and son to decide on path to go with.

Jim Bledsoe also brought up the appointments to the HVAC board - how five (5) members of the board are going to expire as of May 2006. Discussion involved staggering the board terms from the 5 /2 that is set up at this time to maybe 2/2/3. The recommendation was made that the governor needs to be informed of the HVAC board's two vacancies and the upcoming five members expirations that are pending. Suggestion was that all board members consider this and bring back what intentions are to the next meeting on if they wish to extend their terms or plan to not return (depending on the governor's choice). Goal is to keep a balanced board since Bureau is so new.

ADJOURNMENT

The meeting was adjourned at 2:30 P.M. Pacific time.

STEVE KEYS,
BUILDINGS BUREAU CHIEF

DATE

JOHN MCALLISTER
ADMINISTRATOR DIVISION OF BUILDING SAFETY

DATE

PAT MINEGAR,
CHAIRMAN, HEATING VENTILATION AND AIR CONDITION BOARD

DATE